

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ANDRE DEMYRON BEND,	:	
	:	
Petitioner,	:	
	:	CIVIL ACTION 11-0337-WS-M
v.	:	
	:	CRIMINAL ACTION 09-00227-WS-M
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, filed pursuant to 28 U.S.C. § 2255, be **DENIED**. It is further **ORDERED** that Petitioner is not entitled to a certificate of appealability and, therefore, not entitled to appeal *in forma pauperis*.

DONE this 4th day of October, 2011.

s/WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE